

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIAPOLIS SMITH,

Petitioner,

v.

Case No. 1:03-CV-87

MARY BERGHUIS,

HON. GORDON J. QUIST

Respondent.

ORDER

In accordance with the Opinion filed on this date,

IT IS HEREBY ORDERED that the magistrate judge's March 11, 2009, report and recommendation (docket no. 60) is **ADOPTED IN PART**. The Court adopts the report and recommendation with regard to the magistrate judge's conclusion that Petitioner's Motion for Release on Bond should be denied.

IT IS FURTHER ORDERED that Petitioner's Motion for Release on Bond (docket no. 56) is **DENIED**, and Petitioner's Objections to Report and Recommendation (docket no. 61) are **OVERRULED**.

Dated: May 11, 2009

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE